

AMENDED IN SENATE JUNE 6, 2012
AMENDED IN ASSEMBLY APRIL 19, 2012
AMENDED IN ASSEMBLY APRIL 9, 2012
AMENDED IN ASSEMBLY MARCH 14, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1521

**Introduced by Assembly Member Brownley
(Coauthor: Assembly Member Alejo)**

January 18, 2012

An act to amend Section 60642.5 of, and to add Section 60640.2 to, the Education Code, relating to pupil assessment.

LEGISLATIVE COUNSEL'S DIGEST

AB 1521, as amended, Brownley. Standardized Testing and Reporting Program: academic achievement: assessment instrument.

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Existing law requires the Superintendent of Public Instruction, with approval of the State Board of Education, to develop an Academic Performance Index (API), as part of the Public School Performance Accountability Program, to measure the performance of schools, especially the academic performance of pupils. The Leroy Greene California Assessment of Academic Achievement Act requires the Superintendent of Public Instruction to design and implement a statewide pupil assessment program, known as the Standardized Testing and Reporting (STAR) Program. Existing law requires the State Department of Education to develop and adopt primary language assessments that are aligned to the state academic content standards, as specified. Existing

law requires the Superintendent of ~~Public Instruction~~, with approval of the ~~State Board of Education~~, *state board*, to provide for the development of an assessment instrument that measures the degree to which pupils are achieving the academically rigorous content standards and performance standards, to the extent standards have been adopted by the ~~State Board of Education~~ *state board*. Existing law requires these standards-based achievement tests to include certain subject areas, as specified, and requires, at a minimum, a direct writing assessment once in elementary school and once in middle or junior high school and other items of applied academic skills if deemed valid and reliable, and if resources are made available for their use.

This bill would authorize the State Department of Education, subject to the approval of the State Board of Education, to make available to school districts and charter schools a primary language assessment, as specified, that allows school districts and charter schools to assess pupils *who are* enrolled in a dual language immersion program, as specified, *and* who are either nonlimited English proficient or redesignated fluent English proficient. The bill would require that a school district or charter school that chooses to administer the primary language assessment do so at its own expense, and enter into an agreement, subject to the approval of the department, with the state testing contractor, as specified.

The bill ~~also~~ would delete the requirements of the standards-based achievement tests, and would instead require the standards-based achievement tests to include California Standards Tests, modified assessments, alternate performance assessments, and primary language assessments, as specified, that assess identified subject areas in specified grades. *The bill also would state the intent of the Legislature that, in the absence of an end-of-course assessment pursuant to these provisions, a school not be assigned a failing performance level when calculating the school's API score.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 60640.2 is added to the Education Code,
- 2 to read:
- 3 60640.2. (a) Subject to the approval of the state board, the
- 4 department may make available to school districts and charter
- 5 schools a primary language assessment developed pursuant to

subparagraph (A) of paragraph (3) of subdivision (f) of Section 60640 for assessing pupils *who are* enrolled in a dual language immersion program that includes the primary language of the assessment *and* who are either nonlimited English proficient or redesignated fluent English proficient. The cost for the assessment shall be the same for all school districts and charter schools, and shall not exceed the marginal cost of the assessment.

(b) A school district or charter school that chooses to administer a primary language assessment pursuant to this section shall do so at its own expense, and shall enter into an agreement for that purpose with the state testing contractor, as described in subparagraph (C) of paragraph (3) of subdivision (f) of Section 60640, subject to the approval of the department.

SEC. 2. Section 60642.5 of the Education Code is amended to read:

60642.5. (a) The Superintendent, with approval of the state board, shall provide for the development of an assessment instrument under the Standardized Testing and Reporting Program that measures the degree to which pupils are achieving the academically rigorous content standards and performance standards, to the extent standards have been adopted by the state board. These standards-based achievement tests shall include all of the following assessments:

- (1) California Standards Tests that assess:
 - (A) English language arts in grades 2 to 11, inclusive.
 - (B) Mathematics in grades 2 to 8, inclusive.
 - (C) End-of-course mathematics assessments for algebra I, geometry, algebra II, and summative high school mathematics.
 - (D) Science in grades 5, 8, and 10.
 - (E) End-of-course science assessments for biology, chemistry, earth science, and physics.
 - (F) History-social science in grades 8 and 11.
 - (G) End-of-course assessments for world history.
- (2) Modified assessments that assess:
 - (A) English language arts in grades 3 to 11, inclusive.
 - (B) Mathematics in grades 3 to 7, inclusive.
 - (C) End-of-course mathematics assessments for algebra I and geometry.
 - (D) Science in grades 5, 8, and 10.
- (3) Alternate performance assessments that assess:

- 1 (A) English language arts in grades 2 to 11, inclusive.
2 (B) Mathematics in grades 2 to 8, inclusive, and in grades 10
3 and 11, inclusive.
4 (C) Science in grades 5, 8, and 10.
5 (4) Primary language assessments, if available, pursuant to
6 paragraph (3) of subdivision (f) of Section 60640 that assess:
7 (A) Reading/language arts in grades 2 to 11, inclusive.
8 (B) Mathematics in grades 2 to 8, inclusive.
9 (C) End-of-course mathematics assessments for algebra I and
10 geometry.
11 (b) This section, as amended during the 2011–12 Regular
12 Session, does not require the department to develop or administer
13 new assessments.
14 (c) In approving a contract for the development or administration
15 of the California Standards Tests, the state board shall consider
16 each of the following:
17 (1) The ability of the contractor to produce valid, reliable
18 individual pupil scores.
19 (2) The ability of the contractor to report results pursuant to
20 subdivision (a) of Section 60643 by August 8.
21 (3) The ability of the contractor to ensure alignment between
22 the standards-based achievement test and the academically rigorous
23 content and performance standards as those standards are adopted
24 by the state board. This criterion shall include the ability of the
25 contractor to implement a process to establish and maintain
26 alignment between the test items and the standards.
27 (4) The per pupil cost estimates of developing and, if
28 appropriate, administering the proposed assessment with a system
29 to facilitate the determination of future per pupil cost
30 determinations.
31 (5) The procedures of the contractor to ensure the security and
32 integrity of test questions and materials.
33 (6) The experience of the contractor in successfully conducting
34 testing programs adopted and administered by other states. For
35 experience to be considered, the number of grades and pupils tested
36 shall be provided.
37 (d) The standards-based achievement tests may use items from
38 other tests.
39 (e) *It is the intent of the Legislature that, in the absence of an*
40 *end-of-course assessment pursuant to this section, a school not be*

- 1 *assigned a failing performance level when calculating its Academic*
- 2 *Performance Index score pursuant to Section 52052.*

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